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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 STANLEY WILLIAM PAHER, TERRESA
15 MONROE-HAMILTON, and GARRY
16 HAMILTON,

17 Case No. 3:20-cv-00243

18 Plaintiffs,

19 **DECLARATION OF WAYNE THORLEY IN**
20 **OPPOSITION TO MOTION FOR**
21 **PRELIMINARY INJUNCTION**

22 vs.

23 BARBARA CEGAVSKE, in her official
24 capacity as Nevada Secretary of State,
25 DEANNA SPIKULA, in her official
26 capacity as Registrar of Voters for Washoe
27 County,

28 Defendants.

1 I, WAYNE THORLEY, declare as follows:

2 I am the Deputy of Elections for the Nevada Secretary of State. I was appointed to
3 the position of Deputy of Elections pursuant to NRS 225.060(1), and I have held the
4 position since October 21, 2015. I have personal knowledge of the matters set forth below,
5 and if called upon to testify in the above-captioned matter, I would testify as follows:

6 1. NRS 293.2725(1) requires first-time voters in Nevada to present
7 identification and proof of residency before being allowed to vote, whether in person or by
8 mail. However, NRS 293.2725(2)(b) waives the requirement to present identification and
9 proof of residency for first-time voters if election officials are able to match the voter's
10 driver's license number, ID card number or social security number with personal
11 identifier on file with the Nevada Department of Motor Vehicle (DMV) or Social Security
12 Administration (SSA).

13 2. When voter registration applicants register (1) by mail, (2) through the DMV
14 by appearing in person or using the DMV's on-line system, or (3) via the Secretary of
15 State's on-line system, the overwhelming majority of those applicants are positively
16 matched to the personal identifiers on file with the DMV or the SSA. The match is made
17 through automated systems, and to the best of my knowledge, the systems are highly
18 reliable.

19 3. Voters who are positively matched to personal identifiers on file with the
20 DMV or SSA are not required to present identification and proof of residency before
21 voting, even if they are voting for the first time in Nevada. They can simply vote in
22 person or by mail without submitting to additional verification processes.

23 4. With respect to the few voters who are not positively matched to personal
24 identifiers on record with the DMV or SSA—almost always because of a typographical or
25 printing error in their application to register to vote—those voters must present
26 identification and proof of residency before voting. This requirement is not waived simply
27 because county elections officials will be mailing them ballots for the June 9, 2020
28 primary election.

1 5. Voters who must present identification and proof of residency before voting
2 are referred to as “ID-required” voters. The ballot return envelope for ID-required voters
3 is different than the return envelopes for all other voters.

4 6. The return envelope for ID-required voters indicates on the envelope flap
5 that the voter must return a copy of the voter’s identification and proof of residency. If
6 the required identification and proof of residency is not provided, the vote will not be
7 counted.

8 7. ID-required voters represent a very small percentage of all registered voters.
9 I can confidently estimate that the percentage of ID-required voters in Washoe County is
10 less than 1% of all registered voters.

11 8. Five states currently conduct elections entirely by mail. These are Oregon,
12 Washington, Colorado, Utah, and Hawaii. In Nevada, mailing precincts (as opposed to
13 absent ballot precincts) have been used on a very small scale for many years without any
14 incidents of election fraud. I am personally unaware of a single instance of confirmed or
15 alleged fraud in Nevada’s traditional mailing precincts.

16 9. In recent Nevada elections, the numbers of ballots that were cast by the
17 voters in mailing precincts is statistically significant, thus providing a reasonable sample
18 of ballots cast without incident. The numbers are as follows:

19 2018 General – 3,879
20 2018 Primary – 2,273
21 2016 General – 6,069
22 2016 Primary – 362
23 2014 General – 4,288

24 10. For the 2020 primary election in Nevada, the Secretary of State, in
25 partnership with Nevada’s 17 county election officials, developed a plan to implement an
26 all-mail election in order to diminish the spread of COVID-19. The decision to hold the
27 all-mail primary was announced to the public on March 24, 2020.

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1 11. Although voters will have limited options to vote in person, the goal of
2 Nevada's state and local election officials is to strongly encourage widespread voter
3 participation by mail. Among other reasons related to voter access, the decision was
4 made to establish at least one physical polling place in each of Nevada's counties and in
5 Carson City in order to accommodate the same-day registration requirements enacted by
6 the 2019 Nevada Legislature.

7 I declare under penalty of perjury under the law of the United States of America
8 that the foregoing is true and correct to the best of my knowledge.

9 Executed this 24th day of April, 2020.

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11 _____
12 /s/ *Wayne Thorley*
13 WAYNE THORLEY
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 24th day of April, 2020, I filed with this Court's CM/ECF electronic filing system, **DECLARATION OF WAYNE THORLEY IN SUPPORT OF OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**, and served by electronic mail to the address listed below:

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